CITIZEN Petition to 2007 MN Legislature

Opposing Legislation that Eliminates Patient Consent Rights for the Purpose of Creating a Statewide “no escape” Online Electronic Medical Records System

I, the undersigned citizen, oppose the proposed Health Records Act (HF1726/ SF1701). As the MN Dept. of Health (MDH) states, this bill is their “proposal for eliminating patient consent related barriers to the electronic exchange of health information.” This bill sets a disturbing “no consent required” precedent for placing my entire medical record online. Specific concerns include:

• **Government Access to My Data:** MDH will be able to access my entire medical record without my consent for research. Everyone else has to get consent for research. I want my consent required.

• **No Consent for Placing My Data in a Central Registry:** “A provider or group purchaser may send patient identifying information and information about the location of the patient’s health records to a record locator service without consent from the patient.” ALL “PROVIDERS” (doctors, hospitals, clinics, dentists, chiropractors, pharmacies, home care, health care facilities, psychologists, etc.) and Group Purchasers (health plans, insurers, employer plans, government programs, etc.) can place identifying information about me (name, address, age, race, Social Security Number, cell phone, credit card number, etc.) and the location of my medical records online in a Record Locator Service (RLS) without my consent. I want my consent required.

• **RLS Data is Medical Data:** Knowing the location of my medical records will reveal my medical history. For example…if my records are located at Mayo Clinic, Dermatologists Inc., The Spine Center, HealthPartners, Snyder Drug, All Smiles Dentistry, Fresh Start Counseling, Home Health Inc., MN Oncology, Red Door Clinic, Dept. of Human Services…medical and insurance data are revealed.

• **No Requirement that I be Fully Informed:** Although providers cannot view my data on the RLS without my consent, my consent need not be informed or written. Nor must the following be explained: 1) Providers who access the RLS can see the location of all my medical records on the RLS, not just the ones I want them to see; 2) Data about me on the RLS can be viewed anytime, for any reason, not just current care, once I give consent; 3) The consent for a provider to view the RLS never expires, unless I revoke it in writing; and 4) The location of all future records as well as past records can be put on the RLS, giving providers information I may never want them to know. I must be fully informed.

• **Negligible Rights:** Although I can “opt-out” of the RLS, there is no requirement that I be given a full explanation of the RLS (eg. how it works, who owns the data, who’s responsible if my data gets hacked). If I opt-out, providers may consider me an “uncooperative patient.” It could look like I have something to hide. Plus, each provider need only give me one opportunity to opt-out—the day they ask for my consent to view my data on the RLS. What if I’m sick, have three sick children, or am about to deliver a baby? What if I don’t understand so I fail to opt-out? I also have no right to find out who has accessed my data on the RLS, or to look at my own data on the RLS. I want my consent required.

Please deliver this signed CITIZEN petition to Governor Pawlenty.

Signature ___________________________ Date ________________
Name (PLEASE PRINT) ___________________________ City ___________________________ State ______ Zip ______
Address ___________________________ Phone ___________________________ Email ___________________________

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